



3427A-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : B. Dentz

Art Unit : 121

Applicant : R. A. Johnson, et al.

Serial No. : 200,690

Filed : 27 October 1980

For : PGI₂ Pharmacologically Acceptable Salts

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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GROUP 120

REPLY TO A FINAL REJECTION UNDER 37 CFR 1.111 AND 1.115

Sir:

This is a response to the Examiner's final action of 13 August 1981 (Paper No. 6).

REMARKS

The claims in the case are 1-6.

These claims stand rejected as being directed to the same invention as the count of Interference 100,116 and as double patenting over the claim of applicants' Serial No. 819,940.

Applicants respectfully request a reconsideration of these rejections for the reasons presented below.

To the extent the present claims are rejected as being indistinguishable from the count of Interference 100,116, applicants respectfully request reconsideration on the grounds that the Examiner pursuant to 37 CFR 1.237 is in the process of dissolving the Interference on the grounds that the opposing party's claim corresponding to the count is directed to an unpatentable (35 USC 101) product of nature. On the basis that this interference will now be dissolved in due course, applicants respectfully request that this ground of rejection be withdrawn.

Applicants further respectfully request reconsideration of the double patenting rejection on the ground that there is as yet no patent which has issued or for which Notice of Allowance has been received in Serial No. 819,940. Hence, at best, the Examiner's rejection in this regard is premature.